

PROCEEDINGS OF THE COMMON COUNCIL
IN Regular SESSION

January, 23rd, 19 73

CITY OF FORT WAYNE, INDIANA
Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chambers

Tuesday evening January 23rd A.D., 19 73 in Regular
Session. President Winfield C. Moses, Jr in the chair, and Charles W. Westerman

Clerk, at the desk, present the following members _____ viz:

Burns ✓, Hinga ✓, Kraus ✓, Nuckols ✓
Moses ✓, Donald Schmidt ✓ Vivian Schmidt ✓ Stier ✓
Talarico ✓ Absent _____, Councilman _____

The invocation was given by Reverend Alen Tormala - Trinity English Lutheran
Church

Received report from the City Controller for the month of December 1972.

Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular January 3 & 9, 19 73 Session
having been delivered to the Council, were, on motion, approved as published.

MADE A MATTER OF RECORD
DATE 1/23/73 CHARLES W. WESTERMAN, CITY CLERK

Trinity English Lutheran Church

405 WEST WAYNE STREET

FORT WAYNE, INDIANA 46802



Pastor • Richard G. Frazier
Associate Pastors • John E. Sjaugen • J. Richard Hunt • Alden A. Tormala
Pastor Emeritus • Paul H. Krauss • Organist-Choirmaster • Richard A. Carlson
Director of Drama • Mrs. Frank J. Antibus • Assistant Organist • Miss Judith K. Scholz
Business Administrator • Allan M. Dewey • Parish Visitor • William H. Schwartz

JANUARY 23, 1973
FORT WAYNE, INDIANA

INVOCATION - CITY COUNCIL MEETING

DEAR LORD AND FATHER OF MANKIND, WE CALL TO YOU THIS EVENING IN GRATITUDE AND HUMILITY.

AS LEADERS AND CITIZENS OF THIS COMMUNITY NAMED FORT WAYNE, WE ARE GRATEFUL IN THIS NEW YEAR OF 1973 FOR YOUR BLESSINGS OF HEALTH AND WEALTH. YET, TEACH US TO BE HUMBLE BY SHOWING US HOW TO SHARE OUR HEALTH AND WEALTH WITH THOSE WHO ARE SICK AND POOR. GRANT US THE WILL TO SHARE NOT ONLY OUR PHYSICAL BLESSINGS, BUT ALSO OUR INTELLECTUAL AND SPIRITUAL HEALTH AND WEALTH SO OTHERS MIGHT LIVE A NEW AND BETTER LIFE.

GRANT US, O LORD, A NEW VISION AS PEACE-MAKERS: TO HELP BRING A SENSE OF COMMUNITY AND COMMITMENT IN OUR PUBLIC SCHOOLS TO THE IDEALS OF FELLOWSHIP AND COOPERATION THROUGH YOUR LOVE IN ORDER THAT THE EDUCATIONAL PROCESS MAY TRULY BECOME HUMANIZED.

GRANT US, O FATHER, A NEW VISION AS SPIRIT-BUILDERS: TO BRING NEW SPIRITUAL VITALITY TO FORT WAYNE IN THIS YEAR OF KEY '73 BY CALLING LUKE-WARM CHRISTIANS AND UNBELIEVERS TO THE MESSAGE OF CHRIST, YET RESPECTING THE RIGHTS AND BELIEFS OF THOSE WHO WORSHIP YOU THROUGH OTHER RELIGIONS.

AND GRANT, O GOD, YOUR POWER OF HEALING AND HOPE TO THE LEADERS OF OUR NATION. HELP THEM TO BRING A DURABLE PEACE TO SOUTHEAST ASIA, AND TO BE "WISE AS SERPENTS AND GENTLE AS DOVES" SO OUR PRISONERS-OF-WAR AND THEIR PEOPLE MIGHT BE SPARED. BRING PEACE AND COMFORT TO THE FAMILY OF PRESIDENT LYNDON BAINES JOHNSON SO THAT THE HOPE OF NEW LIFE AFTER DEATH MAY SUSTAIN THEM. AND BRING YOUR STRENGTH TO ALL WHO ARE SUFFERING IN BODY, MIND OR SPIRIT THIS NIGHT.

AND TO US, O LORD, GRANT THE CAPACITY TO DECIDE WISELY AND TO RELATE LOVINGLY AS WE DISCUSS THE BUSINESS OF FORT WAYNE AT THIS MEETING. THEN GUIDE US SAFELY TO OUR HOMES AND A REFRESHFUL NIGHT OF SLEEP, SO THAT TOMORROW WE MIGHT BETTER SERVE ALL YOUR PEOPLE, O GOD. AMEN.

PASTOR ALDEN A. TORMALA
ASSOCIATE PASTOR, YOUTH MINISTRY
TRINITY ENGLISH LUTHERAN CHURCH

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINANCIAL STATEMENT

MONTH OF DECEMBER 1972

Prescribed by State Board of Accounts

FUNDS	TOTAL JAN. 1 BALANCE AND RECEIPTS TO DATE 1	RECEIPTS FOR MONTH 2	TOTAL BALANCE AND RECEIPTS 3	DISBURSED TO DATE 4	DISBURSED FOR MONTH 5	TOTAL DISBURSEMENTS 6	TREASURER'S ENDING BALANCE 7
GENERAL FUND	4566,704.76	1969,891.48	16536,596.24	13467,275.91	1951,850.43	15419,126.34	
HUMANE TRUST	12,475.91	420.00	12,895.91	3,235.80	316.60	3,552.40	
AVIATION	675,405.86	155,295.31	830,701.17	504,370.92	194,220.76	698,591.68	
PARK-GENERAL	3517,351.27	391,778.74	3909,130.01	3079,440.64	478,340.27	3557,780.91	
PARK - TRUST	208,115.18	96,171.33	304,286.51	203,986.37	635.50	204,621.87	
PARK-CUMULATIVE BUILDING	525,728.35	229,154.05	754,882.40	513,095.00	38,170.00	551,265.00	
REDEVELOPMENT GENERAL	170,084.39	-0-	170,084.39	58,166.60	3,171.81	61,338.41	
REDEVELOPMENT DISTRICT CAPITAL	488,612.12	58,308.10	546,920.22	10,607.98	118,887.21	129,495.19	
CENTRAL CITY CODE ENFORCEMENT	25,973.44	-0-	25,973.44	2,864.85	-0-	2,864.85	
CENTRAL CITY PARK LAND	12,380.60	-0-	12,380.60	4,639.00	-0-	4,639.00	
MOTOR VEHICLE HIGHWAY	1571,956.35	125,437.07	1697,393.42	1497,631.57	129,756.99	1627,388.56	
PARKING METERS	606,298.23	10,120.70	616,418.93	594,609.84	7,405.63	602,015.47	
SEWER RELIEF	1529,571.09	512,956.98	2042,528.07	1468,128.18	31,860.78	1499,988.96	
FLOOD PREVENTION & RIVER IMPROVEMENT	112,753.79	-0-	112,753.79	73,887.07	-0-	73,887.07	
PARKING GARAGE	84,583.59	8,139.45	92,723.04	76,564.73	9,484.35	86,049.08	
PUBLIC LIGHTING	91,021.31	9,348.42	100,369.73	115,212.69	1,683.58	116,896.27	
EXPRESSWAY	240,954.57	-0-	240,954.57	158,601.47	-0-	158,601.47	
ST. MARY'S RIVER IMPOUNDING	491,792.44	240,000.00	731,792.44	480,000.00	-0-	480,000.00	
LOCAL ROAD & STREET ACCOUNT	1286,714.64	240,000.00	1526,714.64	932,256.36	2,264.33	934,520.69	
OMNIBUS CRIME CONTROL	194,548.28	3,200.00	197,748.28	138,846.00	15,590.18	154,436.18	
FIRE PENSION	834,030.52	313,829.47	1147,859.99	820,023.87	142,237.59	962,261.46	
POLICE PENSION	933,440.04	301,519.94	1234,959.98	915,899.19	242,847.08	1158,746.27	
SANITARY OFFICERS' PENSION	89,953.48	10,494.34	100,447.82	63,209.83	3,063.70	66,273.53	
FORT WAYNE ART INSTITUTE	16,669.75	14,577.02	31,246.77	16,585.54	14,661.23	31,246.77	
CUMULATIVE CAPITAL IMPROVEMENT	1180,456.60	415,597.69	1596,054.29	1204,437.68	19,739.84	1224,177.52	
CITY-COUNTY BUILDING	61,123.17	-0-	61,123.17	30,654.80	1,077.00	31,731.80	
EMERGENCY EMPLOYMENT ACT (E.E.A.)	459,878.41	49,800.00	509,678.41	464,589.81	35,099.72	499,689.53	
PAYROLL	10753,794.34	1107,463.71	1861,258.05	10693,211.20	1159,944.22	11853,155.42	
R-51 FORT WAYNE NAT'L	140,571.70	-0-	140,571.70	121,130.03	1,525.81	122,655.84	
R-51 DEPOSIT HELD-FT.WAYNE NAT'L	7,692.37	-0-	7,692.37	-0-	-0-	-0-	
R-51 ANTHONY WAYNE BANK	580,096.84	-0-	580,096.84	459,869.91	-0-	459,869.91	
R-52 LINCOLN NAT'L BANK	370,028.74	-0-	370,028.74	126,463.46	25,772.43	152,235.89	
R-52 DEPOSIT HELD-LINCOLN NAT'L	243,025.32	-0-	243,025.32	243,015.32	-0-	243,015.32	
TOTALS							
ADJUSTMENTS (explain fully)							
BALANCE (Col. 7 must agree with Col. 8)							

MADE A MA

DATE 1/23/73 CHARLES



THE CITY OF FORT WAYNE

office of the mayor

COMMUNICATION FROM THE MAYOR

January 12, 1973
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, January 12, 1973, I have approved the following ordinances passed by the Common Council at its regular meeting on January 9, 1973.

(Bill No. S-72-12-45)
SPECIAL ORDINANCE NO. S-02-73

AN ORDINANCE approving Agreement to Purchase real estate from Joe H. Cook and Annie R. Cook.

(Bill No. S-72-12-54)
SPECIAL ORDINANCE NO. S-01-73

AN ORDINANCE approving Agreement to Purchase real estate from Janet Sundheimer.

(Bill No. S-72-12-59)
SPECIAL ORDINANCE NO. S-03-73

A SPECIAL ORDINANCE approving the creation of a certain appointive office and amending Special Ordinance No. S-61-72 by fixing the salary for such appointive office for the year 1973.

(Bill No. S-73-01-06)
SPECIAL ORDINANCE NO. S-04-73

AN ORDINANCE authorizing the Board of Public Works to bid at a foreclosure sale of properties belonging to INDIANA SUBURBAN SEWERS, INC. and SUBURBAN SERVICES, INC.

(Bill No. Z-72-11-06)
ZONING MAP ORDINANCE NO. Z-01-73

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-9.

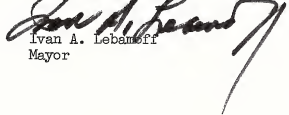
(Bill No. G-72-12-06)
AMENDED
GENERAL ORDINANCE NO. G-01-73

AN ORDINANCE dealing with abandoned, vacated or converted motor vehicle filling and service stations.

(Bill No. R-73-01-01)
RESOLUTION NO. R-01-73

RESOLUTION AUTHORIZING ACTION OF BOARD OF PUBLIC WORKS IN CONNECTION WITH THE CONSTRUCTION OF THE ST. JOE INTERCEPTOR SEWERS.

Respectfully submitted,


Ivan A. Lebanoff
Mayor

MADE A MATTER OF RECORD
DATE 1/22/73 CHARLES W. WESTERMAN, CITY CLERK



City of Fort Wayne

January 22, 1973

President of the Common Council
City of Fort Wayne, IN

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 1-73/E, 2-73/D, 3-73/E, 4-73/D, 5-73/E & 6-73/D.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Thomas J. Casaburo
Director of Public Safety



MADE A MATTER OF RECORD
DATE 1/23/73 CHARLES W. WESTERDAAN, CITY CLERK

RETURN CERTIFICATE

(Regulatory Resolution No. 1-73/E) 2-73/D, 3-73/E, 4-73/D
5-73/E & 6-73/D

I hereby certify that I did this 22nd day of
January, 19 73 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, The City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within
Regulatory Resolution No. 1-73/E, of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Secretary of said Board, in accordance with the provisions
of Section 20 (a) of Chapter 31, Municipal Code of the City
of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.


EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 1-73/E

(Adopted January 22, 19 73)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to _____ through street _____

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated December 19, 19 72, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective January 22,

19 73, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. THROUGH STREET

1. Kentucky Ave. - from State Blvd. to Vance Ave. - except at State Blvd. & Vance Ave.

REGULATORY RESOLUTION NO. 2-73 /D

(Adopted January 22, 19 73)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 62 of said chapter as so amended delegates to this Board authority to designate
preferential intersection

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 19, 19 72 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 62 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14, 1961. it is hereby ordered, effective January 22, 19 73, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE

A. PREFERENTIAL INTERSECTION

1. Kentucky Ave. - preferential - at Curdes Ave.
2. Kentucky Ave. - preferential - at Kenwood Ave.

REGULATORY RESOLUTION NO 3-73 /E

(Adopted _____ January 22 , 19 73)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to _____ Stop Intersection

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated December 19 , 19 72, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G -55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective January 22,

19 73 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. STOP INTERSECTION

1. Concordia Dr. - stop - at Colony Dr.

REGULATORY RESOLUTION NO. 4-73 /D

(Adopted January 22, 19 73)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961. authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 62 of said chapter as so amended delegates to this Board authority to designate
preferential intersections

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 19, 19 72, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 62 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective January 22, 19 73 and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. PREFERENTIAL INTERSECTION

1. Harvester Ave - preferential - at Fleetwood Ave.
2. Campus Court - preferential - at Colony Dr.
3. Wendmere Ln. - preferential - at Concordia Dr.

REGULATORY RESOLUTION NO 5-73 /E

(Adopted January 22, 19 73)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to No Parking

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated December 19, 19 72 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective January 22,

19 73, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. NO PARKING

1. Ridgewood Dr. - south side - from Parnell Ave to 365' west thereof
2. South Wayne Ave- east side - from Wildwood Ave. to 210' south thereof

REGULATORY RESOLUTION NO. 6-73 /D

(Adopted January 22, 19 73)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961. authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to designate
no parking

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 19 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 212 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective January 22, 19 73, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. NO PARKING

1. Creighton Ave. - north side - from Fox Ave. to 50" east thereof

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 23rd day of January, 1973; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of January, 1973.

Charles W. Westerman
City Clerk

SEAL

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JANUARY 23, 1973

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening January 23rd A.D., 1973 in Regular Session. President Winfield C. Moses, Jr. in the chair, and Charles W. Westerman Clerk, at the desk, present the following members nine viz:

Burns, Hinga, Kraus, Nuckols, Moses, Donald Schmidt, Vivian Schmidt, Stier, Talarico

Absent: None

The invocation was given by Reverend Alden Tormala, Trinity English Lutheran Church.

Dear Lord and Father of Mankind, we call to you this evening in gratitude and humility.

As leaders and citizens of this community named Fort Wayne, we are grateful in this new year of 1973 for your blessings of health and wealth. Yet, teach us to be humble by showing us how to share our health and wealth with those who are sick and poor. Grant us the will to share not only our physical blessings, but also our intellectual and spiritual health and wealth so others might live a new and better life.

Grant us, O Lord, a new vision as peace-makers: to help bring a sense of community and commitment in our public schools to the ideals of fellowship and cooperation through your love in order that the educational process may truly become humanized.

Grant us, O Father, an new vision as spirit-builders: to bring new spiritual vitality to Fort Wayne in this year of Key '73 by calling luke-warm christians and unbelievers to the message of Christ, yet respecting the rights and beliefs of those who worship you through other religions.

And grant, O God, your power of healing and

hope to the leaders of our nation. Help them to bring a durable peace to Southeast Asia, and to be "wise as serpents and gentle as doves" so our prisoners-of-war and their people might be spared. Bring peace and comfort to the family of President Lyndon Baines Johnson so that the hope of new life after death may sustain them. And bring your strength to all who are suffering in body, mind or spirit this night.

And to us, O Lord, grant the capacity to decide wisely and to relate lovingly as we discuss the business of Fort Wayne at this meeting. Then guide us safely to our homes and a refreshful night of sleep, so that tomorrow we might better serve all your people, O God. AMEN.

COMMUNICATION FROM THE MAYOR

January 12, 1973
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, January 12, 1973, I have approved the following ordinances passed by the Common Council at its regular meeting on January 9, 1973.

(Bill No. S-72-12-45)
SPECIAL ORDINANCE NO. S-02-73

AN ORDINANCE approving Agreement to Purchase real estate from Joe H. Cook and Annie R. Cook.

(Bill No. S-72-12-54)
SPECIAL ORDINANCE NO. S-01-73

AN ORDINANCE approving Agreement to Purchase real estate from Janet Sundheimer.

(Bill No. S-72-12-59)
SPECIAL ORDINANCE NO. S-03-73

A SPECIAL ORDINANCE approving the creation of a certain appointive office and amending Special Ordinance No. S-61-72 by fixing the salary for such appointive office for the year 1973.

(Bill No. S-73-01-06)
SPECIAL ORDINANCE NO. S-04-73

AN ORDINANCE authorizing the Board of Public Works to bid at a foreclosure sale of properties belonging to INDIANA SUBURBAN SEWERS, INC. and SUBURBAN SERVICES, INC.

(Bill No. Z-72-11-06)
ZONING MAP ORDINANCE NO. Z-01-73

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-9.

(Bill No. G-72-12-06)
AMENDED
GENERAL ORDINANCE NO. G-01-73

AN ORDINANCE dealing with abandoned, vacated or converted motor vehicle filling and service stations.

(Bill No. R-73-01-01)
RESOLUTION NO. R-01-73

RESOLUTION AUTHORIZING ACTION OF BOARD OF PUBLIC WORKS IN CONNECTION WITH THE CONSTRUCTION OF THE ST. JOE INTERCEPTOR SEWERS.

Respectfully submitted,

Ivan A. Lebamoff
Mayor

Made a matter of record 1-23-73

Charles W. Westerman
City Clerk

Received report from the City Controller for the month of December 1972. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular January 3 and 9, 1973 Session having been delivered to the Council, were, on motion, approved as published.

Made a matter of record 1-23-73

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE BOARD OF PUBLIC SAFETY

January 22, 1973

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 1-73/E, 2-73/D, 3-73/E, 4-73/D, 5-73/E & 6-73/D.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Thomas J. Casaburo
Director of Public Safety

Made a matter of record 1-23-73

Charles W. Westerman
City Clerk

RETURN CERTIFICATE

(Regulatory Resolution No. 1-73/E, 2-73/D, 3-73/E, 4-73/D, 5-73/E & 6-73/D)

I hereby certify that I did this 22nd day of January, 1973 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 1-73/E, 2-73/D, 3-73/E, 4-73/D, 5-73/E & 6-73/D, of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55 adopted FEB. 14, 1961

Larry Riley
Executive Secretary

REGULATORY RESOLUTION NO. 1-73/E (Adopted January 22, 1973)

WHEREAS, Section 20 (a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to through street; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December, 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946,

as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 to make experimental regulations to cover special conditions, it is hereby ordered effective January 22, 1973, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. THROUGH STREET

1. Kentucky Avenue - from State Blvd. to Vance Avenue - except at State Blvd. and Vance Avenue

REGULATORY RESOLUTION NO. 2-73/D
(Adopted January 22, 1973)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 62 of said chapter as so amended delegates to this Board authority to designate preferential intersection; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 19, 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 62 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961, it is hereby ordered, effective January 22, 1973, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE

A. PREFERENTIAL INTERSECTION

1. Kentucky Avenue - preferential - at Curdes Avenue
2. Kentucky Avenue - preferential - at Kenwood Avenue

REGULATORY RESOLUTION NO. 3-73/E
(Adopted January 22, 1973)

WHEREAS, Section 20 (a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Stop Intersection; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961 to make experimental regulations to cover special conditions, it is hereby ordered, effective January 22, 1973, and for a period of sixty days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. STOP INTERSECTION

1. Concordia Drive - stop - at Colony Drive

REGULATORY RESOLUTION NO. 4-73/D
(Adopted January 22, 1973)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 62 of said chapter as so amended delegates to this Board authority to designate preferential intersections; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 62 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961, it is hereby ordered, effective January 22, 1973, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. PREFERENTIAL INTERSECTION

- | | |
|---------------------|-------------------------------------|
| 1. Harvester Avenue | -preferential - at Fleetwood Avenue |
| 2. Campus Court | -preferential - at Colony Drive |
| 3. Wendmere Lane | -preferential - at Concordia Drive |

REGULATORY RESOLUTION NO. 5-73/E
(Adopted January 22, 1973)

WHEREAS, Section 20 (a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to No Parking; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 to make experimental regulations to cover special conditions, it is hereby ordered, effective January 22, 1973, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. NO PARKING

1. Ridgewood Drive - south side - from Parnell Avenue to 365' west thereof
2. South Wayne Avenue - east side - from Wildwood Avenue to 210' south thereof

REGULATORY RESOLUTION NO. 6-73/D
(Adopted January 22, 1973)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to designate no parking; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated December 19, 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 212 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961, it is hereby ordered, effective January 22, 1973, and when that THE FOLLOWING BE ESTABLISHED:

A. NO PARKING

1. Creighton Avenue - north side - from Fox Avenue to 50' east thereof

RESOLUTION MEMORIAL IN HONOR OF OUR 36th PRESIDENT OF THE UNITED STATES OF AMERICA
LYNDON BAINES JOHNSON

BILL NO. R-73-01-23

RESOLUTION NO. R-05-73

A MEMORIAL RESOLUTION ON THE OCCASION
OF THE DEATH OF THE 36th PRESIDENT OF
THE UNITED STATES - LYNDON B. JOHNSON

Once again in less than the span of a month we mourn the death of another President of the United States. This man was a great leader in the never ending struggle for freedom and equal justice.

The son and grandson of frontier lawmakers, Lyndon B. Johnson died January 22nd, 1973. He began his career as a teacher of underprivileged people in the State of Texas.

He served his country in World War II and was awarded the Silver Star.

His earlier career was best known as being a Senate minority and later a Senate majority leader. During this time he fostered Civil Rights Legislation of the most far reaching consequences in 80 years time since the end of the Civil War.

As Vice-President of the United States it became his painful duty to assume the Presidency upon the assassination of President John F. Kennedy. He was subsequently elected President of the United States. Among the several programs involving social legislation which he sponsored were the Medicare Program for the Aged. He also placed the full weight of his office behind legislation for educational aid.

Confronted with the Viet Nam war he sought to conclude the participation of the United States therein by initiating the Paris Peace talks. He did not live to see the end of our participation in that conflict, but prayerfully we hope it may soon end.

Many of us remember his visits to the City of Fort Wayne where he made many lasting friendships.

BE IT RESOLVED that the Common Council of the City of Fort Wayne, Indiana hereby publicly expresses its sympathy to his loved ones on his passing; and

BE IT FURTHER RESOLVED that this Memorial Resolution be spread upon the record in our Council Journal as public recognition of a great and courageous leader who has now departed from this earth.

Vivian G. Schmidt
Councilman

D. J. Schmidt

Winfield C. Moses, Jr.

Samuel J. Talarico

William T. Hinga

John Nuckols

James S. Stier

Paul M. Burns

Eugene Kraus, Jr.

BILL NO. A-73-01-08

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE appropriating funds from the unexpended and unappropriated balance of the 1973 Budget of the Aviation Fund.

WHEREAS, it is necessary to make final payments to contractors for construction of New Taxiway No. 16; and

WHEREAS, there are insufficient funds in Account No. 264, Construction - New Taxiway, to cover such payments; and

WHEREAS, there are sufficient funds in the unexpended and unappropriated balance of the Aviation Fund:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated out of the unexpended and unappropriated balance of the Aviation Fund the sum of \$49,000.00 to Account No. 264, Construction-New Taxiway.

SECTION 2. That the unexpended and unappropriated balance of the Aviation Fund of the 1973 Budget of the City of Fort Wayne is hereby reduced in the amount of \$49,000.00.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 13th day of February, 1973, at 7:30 o'clock P.M., E.S.T.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. A-73-01-10

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE appropriating salary for the Director of Community Development and Planning for the year 1973.

WHEREAS, it has been necessary to secure the services of a Director of Community Development and Planning for the year 1973; and

WHEREAS, no funds were appropriated for the salary of such Director of Community Development and Planning in the 1973 Budget of the Department of Community Development and Planning; and

WHEREAS, there now exists in the General Fund of the 1973 Budget of the City of Fort Wayne, Indiana, an unobligated balance which is sufficient to cover the salary herein appropriated, and which has not been appropriated for any other purpose:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated out of the unexpended and unappropriated balance of the General Fund of the 1973 Budget of the City of Fort Wayne, Indiana, the sum of \$21,500.00 to Account No. 1-1-111, Salaries & Wages, in the 1973 Budget of the Department of Community Development and Planning.

SECTION 2. That the unobligated and unexpended balance of the General Fund of the 1973 Budget of the City of Fort Wayne is hereby reduced in the amount of \$21,500.00.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 13th day of February, 1973, at 7:30 o'clock P.M., E.S.T.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. A-73-01-22

EMERGENCY APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE APPROPRIATING funds for payment of salaries of (2) two Office Clerks in the City Clerk's Office.

WHEREAS, under Resolution No. R-71-72 dated December 28, 1972 the Common Council of the City of Fort Wayne, Indiana did establish the offices of two additional Office Clerks for the office of the City Clerk of Fort Wayne, Indiana, in order to provide said City Clerk with necessary staffing to efficiently administer parking violation monies; and

WHEREAS, it is necessary to appropriate funds for payment of salaries of said positions.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. There is hereby appropriated \$11,000 from the unobligated and unappropriated balance of the General Fund of the City of Fort Wayne, Indiana to the Account "Salaries and Wages Regular 5-1-11" in the City Clerk's budget for additions to the staff of the City Clerk of Fort Wayne, Indiana, for the calendar year 1973 for two Office Clerks who are to be paid a maximum salary of \$5,500 each per year.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and legal publication.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 13th day of February, 1973, at 7:30 o'clock P.M., E.S.T.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. S-73-01-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with SHAMBAUGH AND SON for construction of a pumping station at McMillen Park Golf Course.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Reference No. 495 dated December 12, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners, and SHAMBAUGH AND SON, for

Construction of a Pumping System
for McMillen Park Golf Course \$8,643.00

as more specifically set forth in said bid document Reference No. 495 and Purchase Order No. P.O. 3-11938, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. S-73-01-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving Agreement with NOBIS-WESTROPP CONST. CO. for installation of a sanitary sewer in the area of Lower Huntington and Winchester Roads.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Sewer Agreement approved December 13, 1972, between NOBIS-WESTROPP CONST. CO., as developer, and the CITY OF FORT WAYNE, by and through its Mayor and Board of Public Works, for the construction of a sanitary sewer to serve the area of Lower Huntington and Winchester Roads, as follows:

Commencing at an existing structure on the St. Mary's Interceptor, Resolution No. 214, 390± feet Northwest of the Stelhorn Bridge on the West side of the St. Mary's River and 650± feet East of Winchester Road; thence, Southeasterly 12± feet to a proposed manhole; thence, Westerly 301± feet; thence, Southwesterly 450± feet to a proposed manhole, 7± feet West of the West right-of-way of Winchester Road and 560± feet North of the Lower Huntington Road; thence, Northwesterly a distance of 101± feet; thence, Southwesterly 540±

feet to a proposed Manhole No. 6, 32½ feet South of the centerline of Lower Huntington Road and 338½ feet West of the Northwest corner of Lot No. 7 in Boggs Orchard Terrace Addition; thence, Westerly in and along a proposed easement parallel to Lower Huntington Road a distance of 349½ feet, terminating at a proposed manhole 32½ feet South of the centerline of said road.

Lateral A:

Commencing at the above mentioned proposed Manhole No. 6; thence, Southeasterly in and along a proposed easement 339½ feet to a point on Lot No. 7 of the above mentioned addition 7½ feet East of the West property line; thence, Southwesterly in and along a proposed easement and parallel with the West property line of Lot No. 7 a distance of 196½ feet to a point on the South line of Lot No. 8; 87½ feet East of the West property line; thence, Southeasterly 460½ feet along the South property line of Lot No. 8, terminating in Kinnerk Road 5½ feet West of the West property line of Lot No. 8, terminating in Kinnerk Road 5½ feet West of the West property line of Lot No. 33 in Allison's Suburban Addition.

Lateral B:

Commencing at a proposed manhole 7½ feet West of the West right-of-way of Winchester Road and 560½ feet North of the intersection of Lower Huntington Road; thence, Southeasterly in and along a proposed easement a distance of 355½ feet, terminating at a proposed manhole 7½ feet West of the West right-of-way of Winchester Road.

Said sewers to be 8 and 12 inches in diameter.

the total cost of said sewer to be paid by Developer, all as more particularly set forth in said Sewer Agreement, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That the developer, and any owner or owners of land, their successors in title and assigns, which is now or may hereafter be located outside the corporate limits of the City of Fort Wayne, Indiana, who taps into the sewer main covered in said Agreement, or any extension thereof, shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by said City of Fort Wayne, Indiana, of such land or territory in which said land is located.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on

Public Works.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. S-73-01-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving Change Order No. 1
of SHAMBAUGH & SON, INC., raising contract
price.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 of SHAMBAUGH & SON, INC., approved January 15, 1973 by the City of Fort Wayne, by and through its Mayor, Board of Public Works, for Contract approved under Ordinance No. S-75-72, due to a revision of foundation requirements in the amount of \$812.00, a copy of which Change Order is attached hereto and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. Z-73-01-14

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. C-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. C-14, referred to therein, established by Section 9, Article III of said chapter as amended, are hereby changed accordingly to-wit:

Lots 19, 20, 21, 22, 29, 30 & 31 Gardendale Addition, located south of Seddlemeyer Avenue, east of Decatur Road, and north of Woodside Avenue.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. G-73-01-16

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE amending certain sections of Chapter 31 of the 1946 Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 2726, adopted December 22, 1953.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 2, Section 129 "Increasing State Speed Limits in Certain Zones" of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2726, adopted December 22, 1953, be and the same is hereby amended by adding thereto the following:

SPEED LIMIT 35 MPH

Wells St. - from Franke Park Dr. - to Northrop Street

SECTION 2. That Schedule 2, Section 129 "Increasing State Speed Limits in Certain Zones" of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2726, adopted December 22, 1953, be and the same is hereby amended by deleting therefrom the following:

SPEED LIMIT 40 MPH

Wells St. - from 700 ft. N/Spy Run Creek - to Northrop Street

SECTION 3. That Schedule 3, Section 170 "One-Way Streets and Alleys" of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2726, adopted December 22, 1953, be and the same is hereby amended by deleting from sub-paragraph (a) "Streets" from the following:

ONE WAY STREET

<u>STREET</u>	<u>DIRECTION</u>	<u>FROM</u>	<u>TO</u>
Darrow Ave.	westbound	Clinton St.	Calhoun St.
Oakdale Dr.	eastbound	Harrison St.	Clinton St.

SECTION 4. That Schedule 3, Section 170 "One-Way Streets Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2726, adopted December 22, 1953, be and the same is hereby amended by adding thereto to sub-paragraph (a) "Streets" thereof the following:

ONE WAY STREET

<u>STREET</u>	<u>DIRECTION</u>	<u>FROM</u>	<u>TO</u>
College St.	southbound	Berry Street	Washington Blvd.
Lillian Ave.	eastbound	Goshen St.	Hensch St.
Northside Dr.	northbound	State Blvd.	Stadium Dr.

SECTION 5. That Schedule 4, Section 171 "Through Streets" of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2726, adopted December 22, 1953, be and the same is hereby amended by deleting therefrom the following:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Wells St.	Superior St.	North city limits - except Superior St. and State Blvd.

SECTION 6. That Schedule 5, Section 172 " Intersections Where Stop Required" of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2726, adopted December 22, 1953, be and the same is hereby amended by deleting therefrom the following:

STOP INTERSECTION

Beacon St. ---- stop ---- at State Blvd.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor, and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. G-73-01-17

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE dealing with Motor Vehicle Filling and Service Stations and Car Washes in the Central Business District and providing for penalties for the violation thereof and for the abatement of the same.

WHEREAS, the Central business district of the City of Fort Wayne, Indiana consists of an area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

WHEREAS, there already exists blight, and traffic congestion in said Central business district; and

WHEREAS, it is the purpose of this Ordinance to regulate the location of motor vehicle filling and service stations and car washes so as to cause minimum disruption of traffic and to prevent concentration of motor vehicle filling and service stations which would tend to create blight and congestion in the Central business district.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AS FOLLOWS:

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

SECTION 1. Definitions:

- (a) Central business district shall mean an area in the City of Fort Wayne, Indiana, bounded on the North by Superior Street, on the east by Clay Street, on the south by the Penn Central railroad embankment and on the west by Fairfield Avenue;
- (b) Vehicle filling and service station shall mean an establishment having one or more pumps, wherein a principal activity is the sale of motor fuel as directly dispensed to a consumer's vehicle;
- (c) Car wash shall mean an establishment wherein automobiles and other vehicular equipment are washed and cleaned either manually or automatically.

SECTION 2. Any motor vehicle filling and service station or car wash which exists and is operating in the Central business district on _____, 1973 may continue to so operate in said Central business district, provided, however:

- a) If said motor vehicle filling and service station or car wash is not open for business for a period of 60 consecutive days, or which is not operating for a lesser period, has intention to abandon operation which is evidenced by removal of pumps or other facilities or if such other action is taken which would show intention to abandon operation, shall be considered abandoned and shall not be reopened for the prosecution of the business of a motor vehicle filling and service station or car wash in the Central business district.

SECTION 3. Except as permitted under Section 2 hereof it shall be unlawful for any person, firm or corporation for himself, or itself or as agent, renter or lessee to locate, build, erect, construct, maintain, install or operate any motor vehicle filling and service station or car wash within the Central business district of the City of Fort Wayne, Indiana.

SECTION 4. Any motor vehicle filling and service station or car wash built, located, erected, constructed, maintained or installed or operated contrary to the provisions of this Ordinance is hereby declared a nuisance.

SECTION 5. Any person, firm or corporation or any agent, renter or lessee of any such person, firm or corporation who shall violate any of the provisions of this Ordinance shall be fined in the sum of \$100.00 for each offense, and each day that such motor vehicle filling and service station or car wash is maintained or operated contrary to the provisions of this Ordinance shall constitute a separate offense.

SECTION 6. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed this Ordinance would have been effective without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. A-72-12-56

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance appropriating funds for payment of salaries and requiring reimbursement from City Utilities for money so appropriated have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN.

William T. Hinga
John Nuckols
James S. Stier
Samuel J. Talarico
Paul M. Burns

Concurred in 1-23-73

Charles W. Westerman
City Clerk

BILL NO. A-72-12-58

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance hiring on a part time basis one Attorney and one part time Clerk for said Attorney for the Common Council for the City of Fort Wayne, Indiana have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

William T. Hinga
John Nuckols
James S. Stier
Samuel J. Talarico
Paul M. Burns

Concurred in 1-23-73

Charles W. Westerman
City Clerk

BILL NO. A-72-12-58

APPROPRIATION ORDINANCE NO. A-01-73

AN ORDINANCE hiring on a part time basis one Attorney and one part time Clerk for said Attorney for the Common Council for the City of Fort Wayne, Indiana.

WHEREAS, pursuant to IC 18-2-3-5-1 (Burns Ind. Rev. Stat. 1972 Cum. Poc. Supp. 48-1428) The Common Council of the City of Fort Wayne, Indiana is empowered to hire, on a part time basis, one or more competent Attorneys and/or legal research assistants on terms which to common council may deem appropriate; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana has deemed it necessary to employ the services of its own Attorney on a part time basis to assist said Common Council in legal matters pertaining to the conduct of its

functions; and,

WHEREAS, it is necessary for said Attorney to utilize part time services of a Clerk.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That there is hereby appropriated from the General Fund of the City of Fort Wayne, Indiana to Account "Salaries and Wages Regular 45-1-11" the following sums for one part time Attorney for The Common Council of the City of Fort Wayne, Indiana at an annual salary of \$12,000.00 and one part time Clerk for the said part time Attorney at an annual salary of \$3,000.00.

2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication as required by law.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Stier and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico

Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Appropriation Ordinance No. A-01-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973 at the hour of 9:30 o'clock A.M., E.S.T.

Approved and signed by me this 24th day of January, 1973 at the hour of 10:30 o'clock A. M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-73-01-04

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a certain bid document with TENNANT COMPANY, for one (1) Hydraulic Power Sweeper with attachment have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

William T. Hinga
John Nuckols
Samuel J. Talarico
James S. Stier
Paul M. Burns

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. S-73-01-04

SPECIAL ORDINANCE NO. S-05-73

AN ORDINANCE approving a certain bid document with TENNANT COMPANY, for one (1) Hydraulic Power Sweeper with attachment.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Reference No. 496 dated December 26, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and TENNANT COMPANY, for

1 Hydraulic Power Sweeper Model 280 (Less overhead guard)	\$6,120.00
1 Headlights, taillight, side brush spotlight Part #53242-1	77.00
1 8 row nylon brush Part #53068	68.00
F.O.B. Fort Wayne, Indiana	<u>161.00</u>
Total	\$6,426.00

as more specifically set forth in said bid document Reference No. 496 and Purchase Order No. P.O. 3-11937, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Talarico and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-05-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973 at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January 1973, at the hour of 10:30 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. G-72-05-28

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance providing for the levy of a use and service charge upon passengers enplaning at Baer Field have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN.

William T. Hinga
John Nuckols
James S. Stier
Samuel J. Talarico
Paul M. Burns

Concurred in 1-23-73

Charles W. Westerman
City Clerk

BILL NO. R-73-01-12

RESOLUTION NO. R-02-73

A RESOLUTION authorizing payment
for repairs to fence at 1730 South
Lafayette Street.

WHEREAS, a fence at 1730 South Lafayette Street was damaged in an accident on October 17, 1972 by Leonard L. Snyder when he lost control of his car; and

WHEREAS, settlement in the amount of \$124.00 was made by the Ohio Casualty Company, which money was receipted into the General Fund; and

WHEREAS, Arrow Fence Company, Inc. has submitted an estimate in the amount of \$124.00, which sum is the reasonable value of said repairs;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the City Controller is authorized to pay the sum of \$124.00 to Arrow Fence Company, Inc. for repairs to said fence at 1730 South Lafayette Street.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-02-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973, at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January, 1973, at the hour of 10:30 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-73-01-13

RESOLUTION NO. R-03-73

A RESOLUTION authorizing payment
for repairs to City-owned vehicle.

WHEREAS, William Sobraski, in an accident, damaged City unit #2, Board of Public Health; and

WHEREAS, settlement in the amount of \$46.50 was paid by the State Farm Insurance to the Controller's Office, which money was receipted into the General Fund; and

WHEREAS, Allen County Motors has submitted an estimate in the amount of \$46.50, which sum is the reasonable value of said repairs;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the City Controller is authorized to pay the sum of \$46.50 to Allen County Motors for repairs to City unit #2.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico

Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-03-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973, at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January, 1973, at the hour of 10:30 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

SUSPENSION OF RULES

BILL NO. G-73-01-15

Councilman John Nuckols, moved to suspend the rules on passage of BILL NO. G-73-01-15, at this meeting of January 23, 1973, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman V. Schmidt, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above Bill and General Ordinance was accordingly placed on its passage.

Date: 1-23-73

Winfield C. Moses, Jr.
Presiding OfficerCharles W. Westerman
City Clerk

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as General Ordinance No. G-73-01-15.

ATTEST: (SEAL)

Date: 1-23-73

Charles W. Westerman
City Clerk

BILL NO. G-73-01-15

GENERAL ORDINANCE NO. G-02-73

AN ORDINANCE amending Chapter 37 of the
Municipal Code of the City of Fort Wayne
and providing for certain changes in the
Plumbing, Building, Heating, Ventilating
and Air Conditioning and Housing Codes.

SECTION 1. Chapter 37 of the Municipal Code of the City of Fort Wayne, Indiana is hereby amended to read as follows:

Section 1. The Plumbing Rules and Regulations adopted by the Administrative Building Council of the State of Indiana, 1968 Edition as amended, are hereby adopted and approved and incorporated by reference as a part of this Ordinance as a minimum standard.

Section 2. The Building Rules and Regulations adopted by the Administrative Building Council of the State of Indiana, 1969 Edition as amended, are hereby adopted and approved and incorporated by reference as a part of this Ordinance as a minimum standard.

Section 3. The Heating, Ventilating and Air Conditioning Rules and Regulations adopted by the Administrative Building Council of the State of Indiana, 1969 Edition, as amended, are hereby adopted and approved and incorporated by reference as a part of this Ordinance as a minimum standard.

Section 4. The Basic Housing Code as published by the Building Officials and Code Administrators International, 1970 Edition as amended, are hereby adopted and approved and incorporated by reference as a part of this Ordinance as a minimum standard.

Section 5. Five copies of each of the above designated standards shall be filed in the office of the city building department for inspection by any interested person during business hours of that office.

SECTION 2. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols seconded by V. Schmidt and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-02-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. WEsterman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973, at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January, 1973, at the hour of 10:30 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-73-01-05

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving an Agreement with BERGOT, INC. for installation of a water line to serve properties in Hickory Grove Addition in connection with Water Contract have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

James S. Stier
Eugene Kraus, Jr.
William T. Hinga
Samuel J. Talarico
Vivian G. Schmidt

Date: 1-23-73 Concurred in

Charles W. Westerman
City Clerk

BILL NO. S-73-01-05

SPECIAL ORDINANCE NO. S-06-73

AN ORDINANCE approving an Agreement with BERGOT, INC. for installation of a water line to serve properties in Hickory Grove Addition in connection with Water Contract.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement approved December 7, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and BERGOT, INC. for installation of a water line, to be constructed and installed as follows:

a six inch (6") water main along the south side of Homedale Drive, from the west property line of Hessen Cassel Road to the west property line of lot 12, also on the west side of Waycross Drive, from the north property line of lot # 14, to the south property line of lot 11, all in Hickory Grove Addition, Section "A" and said water mains with all its appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City,

for a total cost of \$20,896.10 on which City will be paying 16 % all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier seconded by Hinga and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-06-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973 at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January, 1973 at the hour of 10:30 o'clock A. M., E.S.T.

Ivan A. Lebamoff
Mayor

SUSPENSION OF RULES

BILL NO. S-73-01-20

Councilman Stier, moved to suspend the rules on passage of Bill No. S-73-01-20, at this meeting of January 23rd, 1973, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed unanimous vote of all legally elected members of the said Common Council. The above Bill and Special Ordinance was accordingly placed on its passage.

Date: 1-23-73

Winfield C. Moses, Jr.
Presiding Officer

Charles W. Westerman
City Clerk

AYES: Nine
 Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
 Talarico
 Nays: None

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
 as Special Ordinance No. S-07-73.

ATTEST: (SEAL)

Date: 1-23-73

Charles W. Westerman
 City Clerk

BILL NO. S-73-01-20

SPECIAL ORDINANCE NO. S-07-73

AN ORDINANCE approving Agreement with
 HIPSKIND ASPHALT CORP. for construction
 of a sanitary sewer in the area of
 Trixholme Addition.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Sewer Agreement approved January 15, 1973 between HIPSKIND ASPHALT CORP. as Developer, and the CITY OF FORT WAYNE, by and through its Mayor and Board of Public Works, for the construction of a sanitary sewer to serve the Trixholme Addition, as follows:

Branch Sewer:

Beginning at an existing manhole located 7± feet South of the North property line of Franke Park and 66± feet west of the centerline of Spy Run Creek; thence East along the North property line of Franke Park a distance of 1,578± lineal feet, to a proposed manhole located near the Southwest corner of Lot #74 of Trixholme Addition, Section "D", as recorded in Plat Book 22, Page 3; thence Southeasterly a distance of 620± lineal feet to a proposed manhole located in Morrow Way Drive 15± lineal feet South of the most Southerly point of space now or formerly owned by Thomas L. and Susan Murphy, as recorded in Deed Book 719, Page 144, thence East a distance of 452 feet, terminating at a proposed manhole located 17± lineal feet North of and 14± lineal feet East of the Northeast corner of Lot #8 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121.

LATERAL "A"

Beginning at a proposed manhole located on the North property line of Franke Park at Station 4 + 18 on afore-described Branch Sewer, said location more particularly described as being located 126.75 feet East of the Southwest corner of space now or formerly owned by Arlington

Investment Corporation, as described in Deed Book 694, Page 432-33; thence turning North an angle of 90 degrees from said North property line of Franke Park, and projecting a distance of 155± lineal feet, terminating at a proposed bulkhead.

LATERAL "B":

Beginning at a proposed manhole located on the North property line of Franke Park at Station 7± 38 of afore-described Branch Sewer, said location more particularly described as being located 446.75 feet East of the Southwest corner of space now or formerly owned by Arlington Investment Corporation, as described in Deed Book 694, Page 432-33; thence turning North an angle of 90 degrees from said North property line of Franke Park, and projecting a distance of 155± lineal feet, terminating at a proposed bulkhead.

LATERAL "C":

Beginning at a proposed manhole located on the North property line of Franke Park at Station 10 ± 58 on afore-described Branch Sewer, said location more particularly described as being located 776.75 feet east of the Southwest corner of space now or formerly owned by Arlington Investment Corporation, as described in Deed Book 694, Page 432-33; thence turning North an angle of 90 degrees from said North Property line of Franke Park, and projecting a distance of 155± lineal feet, terminating at a proposed bulkhead.

Beginning at a proposed manhole located 15± feet South of the Southwest corner of Lot #74 of Trixholme Addition, Section "D", as recorded in Plat Book 22, Page 3; thence North along the West property line of said Lot #74 to a proposed manhole located within the right-of-way of Louisedale Drive 15± lineal feet North of the Northwest corner of said Lot #74; thence East 15± lineal feet North of and parallel to the South right-of-way of Louisedale Drive, terminating at a proposed manhole located 4 feet East of and 15± lineal feet North of the Northwest corner of Lot #15 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121.

LATERAL "D-1":

Beginning at a proposed manhole within Louisedale Drive right-of-way located 15± lineal feet North of the Northwest corner of Lot #74 of Trixholme Addition, Section "D", as recorded in Plat Book 22, Page 3; thence West 228± lineal feet, terminating at an existing manhole located 25± lineal feet West of and 15± lineal feet North of the Northwest corner of Lot #76 of Trixholme Addition, Section "D", as recorded in Plat Book 22, Page 3.

LATERAL "D-2":

Beginning at a proposed manhole located within Louisedale Drive right-of-way 28± lineal feet West of and 16± lineal feet North of the Northeast corner of Lot #73 of Trixholme Addition, Section "D", as recorded in Plat Book 22, page 3; thence due North 15± lineal feet West of the East right-of-way line of Hampton Avenue 686± feet, terminating at a proposed manhole located 15± lineal feet West of and 5± lineal feet North of the Southwest corner of Lot #62 of Trixholme Addition, Section "C", as recorded in Plat Book 21, Page 29.

LATERAL "D-3":

Beginning at a proposed manhole located 10± lineal feet East of and 10± lineal feet South of the centerline intersection of Louisedale Drive and Kentland Avenue; thence North 10 feet East of and parallel to the centerline of said Kentland Avenue 700± lineal feet, terminating at a proposed manhole located 35± lineal feet East of and 12± lineal feet North of the Southeast corner of Lot #44 of Trixholme Addition, Section "C", as recorded in Plat Book 21, Page 29.

LATERAL "E":

Beginning at a proposed manhole located within the right-of-way of Morrow Way Drive where it joins Sylvia Plaza; thence Southwesterly generally following the East right-of-way line of Sylvia Plaza 680± lineal feet to a proposed manhole located within the right-of-way of Loch Lomond Drive 16± lineal feet South of and 7± lineal feet West of the Southwest corner of Lot #40 of Trixholme Addition, Section "B", as recorded in Plat Book 18, Page 170; thence Easterly 16± lineal feet South of and parallel to the North right-of-way line of Loch Lomond Drive 540 feet, terminating at a proposed manhole located 16± lineal feet South of and 10± lineal feet East of the Southwest corner of Lot #1 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121.

LATERAL "F":

Beginning at a proposed manhole within the right-of-way of Sherman Boulevard located 17± lineal feet North of and 14± lineal feet East of the Northeast corner of Lot #8 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121; thence Southerly 14± lineal feet East of and parallel to the West right-of-way line of Sherman Boulevard 516± lineal feet, terminating at a proposed manhole located 15± lineal feet East of and 20± lineal feet South of the Northeast corner of Lot #1 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121.

LATERAL "F-1":

Beginning at a proposed manhole within the right-of-way

of Sherman Boulevard located 17± lineal feet North of and 14± lineal feet East of the Northeast corner of Lot #8 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121; thence North generally along and parallel to the West right-of-way line of Sherman Boulevard 380± lineal feet, terminating at a proposed manhole located 11± lineal feet East of and 10± lineal feet North of the Southeast corner of Lot # 14 of Trixholme Addition, Section "A", as recorded in Plat Book 17, Page 121.

All sewers shall be 8, 10, 12 and 15 inches in diameter, and all located within the Northeast quarter of Section 27, Township 31 North, Range 12 East and lying fully within the corporate limits of the City of Fort Wayne.

In addition to the normal assessment due for the above-mentioned improvement resolution, there will be a tap-in fee in the amount of \$300 per acre area connection charge for interceptor resolution #131 as set forth and adopted in Board of Works minutes, April 26, 1961.

the total cost of said sewer to be paid by Developer, all as more particularly set forth in said Sewer Agreement, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That the developer, and any owner or owners of land, their successors in title and assigns, which is now or may hereafter be located outside the corporate limits of the City of Fort Wayne, Indiana, who taps into the sewer main covered in said Agreement, or any extension thereof, shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by said City of Fort Wayne, Indiana, of such land or territory in which said land is located.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Muckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico

Nays: None

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-07-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973, at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January, 1973, at the hour 10:30 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-73-01-07

RESOLUTION NO. R-04-73

RESOLUTION concerning administration and enforcement of types of codes and standards for design, construction, alteration, removal or demolition of buildings and structures by a single agency.

WHEREAS, the General Assembly of Indiana has enacted an Act identified IC 17-2-72-1 to 17-2-72-9 inclusive (Burns Ind. Rev. Stat. 1973 Cum. Pkt. Suppl. §§ 26-2901-26-2911), which act relates to enactment of a Building Code covering buildings and structures in the unincorporated areas of Counties; and

WHEREAS, the stated purpose of said law is to provide for the safety, health and public welfare through properly carrying out the provisions of ordinances, state laws and regulations by inspectors, agents or deputies; and

WHEREAS, the City of Fort Wayne has a well established and complemented department of buildings and building Commissioner and inspectors; and

WHEREAS, the County of Allen has no building commissioner and no inspectors and it would be an unnecessary and in many cases duplicate and wasteful practice to have two departments of City and County government performing the same functions which in most instances are in accord with the rules and regulations of the administrative building counsel of the State of Indiana;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That a single agency, the Department of Buildings and the Building Commissioner of the City of Fort Wayne, Indiana be the single agency within Allen County, Indiana to administer and enforce building codes and standards throughout Allen County, Indiana and, that the County of Allen negotiate to purchase at cost from the City of Fort Wayne the services of the Department of Buildings necessary

to provide proper inspections to insure the safety, health, and public welfare of the citizens of the County of Allen who reside outside the limits of the City of Fort Wayne.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by V. Schmidt seconded by Hinga and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Seven

Burns, Hinga, Kraus, Nuckols, Moses, V. Schmidt, Talarico

Nays: Two

D. Schmidt, Stier

Date: 1-23-73

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-04-73 on the 23rd day of January, 1973.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1973, at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of January, 1973, at the hour of 10:30 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is a true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held Tuesday, the 23rd day of January, 1973; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of January, 1973.

(SEAL)

Charles W. Westerman
City Clerk

Minutes approved and signed in open council this 13th day of February, 1973.

City Clerk

Presiding Officer